

SUPPORT FOR THE AMENDMENT

This Amendment cancels Claims 3 and 24; and amends Claims 1, 5, 8-10, 22, 26, 29 and 31. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claims 1 and 22 is found in canceled Claims 3 and 24, respectively. Support for Claims 5 and 26 is found in Claims 1 and 22, respectively. Support for Claims 10 and 31 is found in the specification at least at page 5, lines 16-18 and page 8, lines 19-24. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 1-2, 4-23 and 25-56 will be pending in this application. Claims 1 and 22 are independent.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

Cement matrices or hydraulic binders prepared with dispersions of mineral fillers and dispersing agents of the present invention have an appreciably improved mechanical property known as "strength at young ages". Specification at page 1, lines 9-12; page 3, lines 8-13.

Claims 1-3, 5-7, 12-24, 26-28 and 33-56 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,686,252 ("Burge") in view of U.S. Patent No. 6,057,398 ("Blum"). In addition, Claims 8 and 29 are rejected under 35 U.S.C. § 103(a) over Burge in view of Blum and Plastics Materials by J.A. Brydson (Butterworth Scientific, 4th edition, 1982, page 698, lines 1-3)("Plastic Materials").

Burge discloses a building and/or construction material prepared by mixing a polymer modified aqueous dispersion of amorphous silicon dioxide with an inorganic binder such as cement (columns 1 and 2).

The Office Action admits that Burge "does not teach a dispersing agent comprising a copolymer prepared by polymerizing at least one alkoxy-, aryloxy-, alkylaryloxy- or arylalkoxy-polyalkylene glycol ethylenic urethane monomer with at least one anionic monomer and at least one non-ionic monomer". Office Action at page 5, section 10, lines 13-16.

Blum discloses aqueous suspensions of mineral fillers and a copolymer, where the copolymer is prepared by polymerizing "an ethylenically unsaturated monomer having at least one carboxyl function" (including acrylic or methacrylic acid; column 3, line 5), an optional "ethylenically unsaturated monomer having at least one sulphonic and/or phosphoric function" (including vinyl sulphonic acid; column 3, line 14), an optional "ethylenically unsaturated monomer which has no carboxyl function" (including esters of acrylic or methacrylic acid; column 3, lines 22-23), and "at least one ethylenically unsaturated oxyalkylated monomer", which has various ethylenically unsaturated urethane end groups (column 3, lines 55-58).

However, Blum fails to provide any examples of and fails to suggest a copolymer having both a polyalkylene glycol ethylenic urethane monomer and a polyalkylene glycol acrylate or methacrylate or allyl ether, as in canceled Claims 3 and 24, which are now incorporated into independent Claims 1 and 22, respectively.

Thus, the cited prior art fails to suggest all the limitations of independent Claims 1 and 22. Therefore, the prior art rejections should be withdrawn.

The disclosure is objected to. To obviate the objection, Claim 5 is amended so that component c) recites "... polyalkylene glycol ethylenic *urethane* monomer".

Claim 10 is rejected under 35 U.S.C. § 112, second paragraph. To obviate the rejection, Claim 10 is amended to recite "... the copolymer further comprises ethylenic monomers having at least two polymerizable double bonds ...".

Claims 4-5, 9, 25-26 and 30-32 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of Claims 4, 1, 8, 24, 21, 28, 29 and 30, respectively, of U.S. Patent No. 6,752,866. To obviate the rejection, Claims 3 and 24 are canceled and incorporated into independent Claims 1 and 22, respectively.

Claims 1-3, 6-8, 11-24, 27-29 and 33-56 are rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-56 of the '866 patent, which issued from the Application No. 09/983,653 parent of the above-identified application. To obviate the rejection, a Terminal Disclaimer over the '866 patent is attached.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Corwin P. Umbach, Ph.D.
Registration No. 40,211

Attached:
Terminal Disclaimer over U.S. Patent No. 6,752,866